

REMARKS

Applicants' undersigned representative would like to thank Examiner Wong and his supervisor, Mr. Kramer, for the courtesy of participating in a telephonic interview on April 9, 2008. Although no agreement was reached, progress was made in that we discussed the present claims and how the claimed subject matter differs from the prior art of record.

Claims 1-43 had been pending in the application. Claims 11-23 and 31-43 have been withdrawn, and claims 2, 6, 7, 25, 28 and 29 have been hereby canceled without prejudice. In addition, independent claims 1 and 24 have been hereby amended to further clarify the claimed subject matter, and new claims 44-50 (directed to a computer-readable medium) have been hereby added to more fully protect applicants' disclosed inventive subject matter. The Examiner is respectfully urged to reconsider the application in view of the foregoing amendments and the following remarks.

In the Office Action, the Examiner rejected claims 1-10 and 24-30 under 35 USC § 103(a), as being directed to subject matter that would have been obvious to a person having ordinary skill in the art in view of Parker (U.S. Patent No. 4,958,368) in combination with Rousseau (U.S. Patent Application No. US 2003/0040997 A1).

The present application describes a system and method capable of opening an electronic account and transacting business over the Internet while the normally necessary host processing system is unavailable. See page 4 of the specification. The application describes a system capable of automatically establishing and electronically funding electronic accounts, enabling the submission of on-line new account information, processing of said account information, and establishment of validated new electronic accounts for use by customers regardless of the status

of the host processing system. For example, as shown in Figure 1 of the application, the inventive solution utilizes a middleware tier 21 situated between a presentation tier 11 and a host access tier 23. The presentation tier 11 encompasses remote customer computer 14, a computer network 16, and web servers 20 which are interfaced through the middleware tier 21 to the host processing system(s) 26, 28.

Claim 1 has been amended to recite a method enabling the transaction of business between a customer and a host processing system, wherein the customer normally communicates with the host processing system via a computer network operatively coupled to a web server which in turn is operatively coupled to the host processing system. Further, claim 1 now recites that the customer is normally required to have an electronic account on the host processing system before transacting business with the host processing system. All of this is recited in the preamble of claim 1, thus providing context to the remainder of the claim. As can be seen, claim 1 now recites steps that are utilized at the middleware tier to enable a customer to establish an electronic account and execute transactions even while the host processing system is unavailable. The claimed method further includes the steps of determining that the host processing system is available, retrieving the electronic account from a temporary repository, and then copying the electronic account and a log of executed transactions to the host processing system.

The principal reference, Parker, describes a customer activation system for use by a cellular mobile radiotelephone (CMR) system. Rousseau discloses a system for facilitating the opening of accounts by a plurality of backend systems, including a backend interface (see paragraph 0012) that includes a monitor to determine the availability of the backend systems and

a cache that stores the open account request and customer information for later routing when the backend systems are temporarily unavailable. However, it does not appear the combination of Parker and Rousseau discloses or suggests the subject matter of applicants' independent claims. In particular, the cited prior art does not appear to enable a customer to transact business and establish an electronic account while the normally-necessary host processing system is unavailable, using a middleware tier, as taught by the present application. Accordingly, the Examiner is respectfully urged to withdraw the rejection under 35 USC § 103(a).

Should the Examiner have any questions or concerns, or care to discuss the application with an eye toward advancing the application toward allowance, he is respectfully invited to call applicants' undersigned attorney at **206.332.1384**.

Respectfully submitted,

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